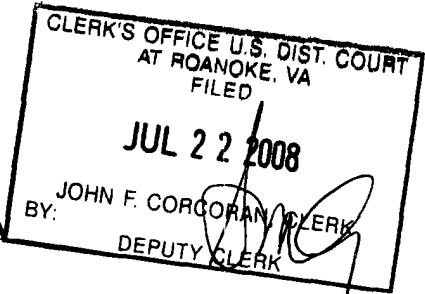


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



JAIME CALLEJAS-URIBE,) Civil Action No. 7:07-cv-00446
Petitioner,) (Criminal Case No. 5:05-cr-00061-3)
)
v.) FINAL ORDER
)
UNITED STATES OF AMERICA,) By: Hon. Glen E. Conrad
Respondent.) United States District Judge

In accordance with the accompanying memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED as follows:

1. There being no objections to the magistrate judge's report and recommendation, it is hereby **ADOPTED** in its entirety. Accordingly, respondent's motion to dismiss is **DENIED**; petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **GRANTED** as to his claim that the ineffective assistance of counsel deprived him of his right to appeal the sentence imposed by the judgment order signed and entered on September 29, 2006, in Criminal Case No. 5:05-cr-00061-3; and petitioner's remaining claims are **DISMISSED** without prejudice.
2. The Clerk of the Court **SHALL** prepare a new judgment in Criminal Case No. 5:05-cr-00061-3, in every respect the same as the previous judgment except as to date of entry.
3. Allegra M.C. Black, Esq., appointed by the court to represent the petitioner in the instant § 2255 action, **SHALL** consult with petitioner regarding the filing of a notice of appeal and, if so instructed by petitioner, **SHALL** file a notice of appeal on petitioner's behalf. Upon the filing of a notice of appeal, petitioner may file a motion in the Court of Appeals seeking the appointment of counsel to assist him with the appeal.
4. The Clerk **SHALL** close the instant § 2255 action, nothing further remaining to be done herein; however, the Clerk **SHALL** docket this order and the accompanying memorandum opinion in both the instant case, Civil Action No. 7:07-cv-00446, and in Criminal Case No. 5:05-cr-00061-3.

The Clerk is directed to send copies of this order and accompanying memorandum opinion to petitioner and counsel of record.

ENTER: This 22nd day of July, 2008.

United States District Judge